

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-14-0022
RULE 39, RULES OF CRIMINAL)	
PROCEDURE)	
)	
)	
)	
)	FILED 12/16/2014

**ORDER
AMENDING RULE 39(b), ARIZONA RULES OF CRIMINAL PROCEDURE,
ON A PERMANENT BASIS**

Rule 39(b), Arizona Rules of Criminal Procedure, was amended on an expedited basis effective July 24, 2014, with a comment period ending September 26, 2014. Four comments having been filed and considered, along with Petitioner's Reply to the comments,

IT IS ORDERED that Rule 39(b), Arizona Rules of Criminal Procedure, be amended on a permanent basis with further modifications set forth in the attachment hereto.

DATED this 16TH day of December, 2014.

SCOTT BALES
Chief Justice

TO:

Rule 28 Distribution

David K Byers

Mikel Steinfeld

John A Furlong

Mark C Faull

Kevin D Heade

ATTACHMENT*

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 39. Victims' Rights

a. [no change in text]

b. Victims' Rights. These rules shall be construed to preserve and protect a victim's rights to justice and due process. Notwithstanding the provisions of any other rule in these Rules of Criminal Procedure, a victim shall have and be entitled to assert each of the following rights:

1.-9. [no change in text]

10. The right to require the prosecutor to withhold, during discovery and other proceedings, the victim's date of birth, social security number, official state- or government-issued driver license or identification number, home address, and telephone number of the victim, e-mail address, the address and telephone number of the victim's place of employment, and the name of the victim's employer, providing, however, that the court may order disclosure as necessary to protect the defendant's constitutional rights. If disclosure is made to defense counsel, counsel shall not disclose such information to any person other than counsel's staff and designated investigator, and shall not convey the information to the defendant without prior authorization from the court for good cause shown by the defendant, the court may order that such information be disclosed to defense counsel and may impose such further restrictions as are appropriate, including a provision that the information shall not be disclosed by counsel to any person other than counsel's staff and designated investigator and shall not be conveyed to the defendant.

11. The right to refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant. After charges are filed, defense initiated requests to interview the victim shall be communicated to the victim through the prosecutor. The victim's response to such requests shall also be communicated through the prosecutor. If there is any comment or evidence at trial regarding the victim's refusal to be interviewed, the court shall instruct the jury that the victim has the right to refuse an interview under the Arizona Constitution. ~~For purposes of a pretrial interview, a peace officer shall not be considered a victim if the act that would have made him or her a victim occurs while the peace officer is acting in the scope of his or her official duties.~~

12.-16. [no change in text]

c.-g. [no change in text]

* Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.